

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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IN THE MATTER OF COMPLAINT OF  
WILMINGTON TUG, INC. AS OWNER OF  
"LINDSEY," A 70-FOOT 1989 TOWING VESSEL,  
FOR EXONERATION FROM OR LIMITATION OF  
LIABILITY  
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CIVIL ACTION  
IN ADMIRALTY

No. 07-197 JJF

**RESTRAINING ORDER, ORDER FOR ISSUANCE OF  
MONITION AND ORDER THAT CLAIMS BE FILED WITH CLERK**

A Complaint having been filed herein by Wilmington Tug, Inc. ("Petitioner"), as owner of the "LINDSEY," a certain 70-foot 1989 towing vessel built by Gladding-Hearn Shipbuilding (hereinafter "the Vessel"), claiming exoneration from or limitation of liability as provided for by the Revised Statutes of the United States and the various statutes supplementary to and amendatory thereof, contesting the liability of Petitioner for any and all alleged injuries, losses, or damage, occasioned by or resulting from the incident described in the Complaint herein, and also stating the facts and circumstances upon which exoneration from or limitation of liability are claimed, and it appearing that claims have been or will be made against Petitioner for losses, damages, or injuries alleged to have resulted in consequence of the incident described in the Complaint;

NOW, on Motion of Palmer Biezup & Henderson LLP, attorneys for Petitioner, it is

ORDERED that a Monition issue out of and under the seal of this Court citing all persons asserting claims with respect to which the Complaint seeks exoneration or limitation and admonishing them to file their claim with the Clerk of this Court at J. Caleb Boggs Federal Building, 844 N. King Street, Wilmington, DE 19801 within forty-five (45) days of the entry of this Order,

and to serve upon or mail to Palmer Biezup & Henderson LLP, 1223 Foulk Road, Wilmington, DE 19803, the attorneys for Petitioner, a copy thereof, on or before the same date, or be defaulted; and it is further

ORDERED that any and all suits, actions or proceedings of any nature or description whatsoever which have already been commenced against Petitioner and/or against the Vessel except in the present proceedings, in respect of any claim arising out of, occasioned by, consequent upon, connected with or arising during the incident described in the Complaint are hereby stayed and restrained until the hearing and determination of this proceeding; and it is further

ORDERED that upon the signing of this Order, the commencement of any suit, action or proceeding of any nature or description whatsoever against Petitioner and/or against the Vessel, except in the present proceedings, in respect of any claim arising out of, occasioned by, consequent upon, connected with or arising during the voyage upon which the Vessel was then engaged, is hereby enjoined until the hearing and determination in this proceeding; and it is further

ORDERED that notice of the Complaint for Exoneration from or Limitation of Liability and the Monition pursuant thereof be given as provided by Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure by publication of a notice, in the form attached hereto, in the *News Journal* once each week for four successive weeks, and that the first publication of said Notice be at least thirty (30) days before the return date specified above and that Petitioner, not later than the date of the second publication, shall mail a copy of said Notice, together with a copy of this Order, to all persons who at the time of making this Order are known by Petitioner to have made any claim against the Vessel or Petitioner arising out of the incident

which is the subject of the limitation proceeding, or in cases where such claimants are known by  
Petitioner to be represented by counsel, to their respective attorneys.

  
UNITED STATES DISTRICT JUDGE

Dated: June 7, 2007

### LEGAL NOTICE

In the U.S. District Court, District of Delaware: Notice is given that Wilmington Tug, Inc., as owner of the tug LINDSEY, has petitioned for exoneration from or limitation of liability for all claims arising out of an accident which allegedly occurred on or about October 30, 2003, in or near the Delaware River. The Court has ordered all persons asserting any claim with respect to said incident to file a written claim with the Clerk of Court, 844 N. King Street, Wilmington, DE 19801, no later than \_\_\_\_\_, 2007, and to serve a copy thereof on Palmer Biezup & Henderson LLP, 1223 Foulk Road, Wilmington, DE 19803, attorneys for Petitioner.